

# EXHIBIT 1

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA - CENTRAL DIVISION  
HONORABLE GEORGE H. WU, U.S. DISTRICT JUDGE

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. CR 22-0482

JERRY NEHL BOYLAN,

Defendants.

/

REPORTER'S TRANSCRIPT OF  
STATUS CONFERENCE  
Thursday, July 27, 2023  
8:30 a.m.  
LOS ANGELES, CALIFORNIA

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FEDERAL PUBLIC DEFENDER'S OFFICE  
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1           **LOS ANGELES, CALIFORNIA; THURSDAY, JULY 27, 2023**

2                           **8:30 a.m.**

3                           **--oOo--**

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6           THE COURT: Let me call the matter of *USA versus*  
7 *Boylan.*

8           THE COURTROOM DEPUTY: I think they may be outside,  
9 let me check.

10          THE COURTROOM DEPUTY: Everyone on the telephone  
11 needs to mute their device right now before I transfer.

12          THE COURT: All right. Let me call the matter of  
13 *United States versus Boylan.*

14               For the government, we have?

15          MR. O'BRIEN: Good morning, Your Honor. Matthew  
16 O'Brien on behalf of the United States. I'm joined by my  
17 colleagues, Mark Williams, Brian Faerstein and Juan Rodriguez.

18          THE COURT: All right. For the defense?

19          MS. WAKEFIELD: Good morning, Your Honor. Georgia  
20 Wakefield, Gabriela Rivera and Julia Deixler on behalf of  
21 Mr. Boylan, there is a waiver of his presence on file.

22          THE COURT: We are here on the defense's ex parte  
23 application to continue the trial date, which is currently set  
24 for September 26th, with a pre-trial date of September the  
25 14th.

1 I have looked at the ex parte application and the  
2 government's opposition.

3 Let me give you my thoughts at this point in time and if  
4 anybody wants to argue, they are free to argue.

5 MR. O'BRIEN: Sorry to interrupt.

6 THE COURT: Unless you resolved the matter?

7 MR. O'BRIEN: Is the phone line on? I'm sorry, to  
8 interrupt.

9 THE COURTROOM DEPUTY: I am joining them.

10 MR. O'BRIEN: There are some victim's families on  
11 the line.

12 THE COURT: I understand that. Now, he's thrown the  
13 train off the tracks.

14 I have looked at the materials, and I will allow the  
15 parties to argue, but let me give you my thoughts at this point  
16 in time.

17 The ostensible reason for the continuance is the fact  
18 that one of the defense counsel is going to be potentially in a  
19 trial that is set to begin in front of Judge Hatter on  
20 September the 12th, and it is a matter that is supposed to last  
21 either one week and up to three weeks.

22 Obviously, if she is in another trial, then I can't  
23 really start this trial. I think that's pretty much of a  
24 given.

25 Although, I do understand the government wants to make

1 an argument that the case should proceed without said counsel  
2 because there are other defense counsel who are also on board.

3 Let me just ask, does that really work in front of the  
4 other judges as a tactic, especially I have had the experience  
5 where it is argued that plaintiff's counsel is unavailable and  
6 defense wants to make an argument, although, defense has a  
7 speedy trial in their pocket, which is a little bit more cogil  
8 than it is for the government's side.

9 MR. O'BRIEN: Your Honor, I think that issue is moot  
10 because the trial with the conflict -- the government's  
11 estimate is four-day case in chief.

12 THE COURT: Well, that is what I was going to say.  
13 My actual tentative was going to be if it only lasts a week, I  
14 think that the defense counsel can participate in this matter,  
15 because frankly, that will give her at least a week in addition  
16 to the time between now and September to prepare for both  
17 trials.

18 And I will tell a war story, and I know you are tired of  
19 hearing war stories from me.

20 When I was an AUSA, I was in the middle of a trial in  
21 front of Judge Rafeedie, and I had a trial that was supposed to  
22 start in front of Judge Wilson that he would not continue, even  
23 though I was in a trial with Judge Rafeedie.

24 Finally, after begging him, he started the trial the  
25 next day that I got done with the trial in front of Judge

1 Rafeedie.

2 So I think government counsel, on both sides, have to  
3 accept the fact that scheduling is scheduling.

4 But I do agree if the defense counsel is in the middle  
5 of a trial in front of another judge, I'm not going to force  
6 her to somehow choose.

7 Conversely, however, I understand that I know maybe  
8 starting this trial the next day upon completion of the other  
9 criminal case would not quite be fair.

10 But conversely, if there is a week, I think that is  
11 plenty of time to prepare for this case.

12 MS. WAKEFIELD: I think it would be incredibly  
13 disruptive if that trial does last longer.

14 THE COURT: That is the point for both sides. I'm  
15 willing to do this, because I'm here no matter anyway, that's  
16 what I would do.

17 But it might very well be disruptive in the sense that I  
18 have already indicated if I give her a week, and so if I can't  
19 give her the week, then I will have to postpone.

20 But then again, I might be only postponing for an  
21 additional week or something like that.

22 It might be somewhat disruptive, but I don't think it's  
23 a major disruption because I don't see anything in the  
24 intervening situation that the government counsel or defense  
25 counsel would be heading towards some trial other than mine at

1 that point.

2 MS. WAKEFIELD: I understand, Your Honor.

3 I believe that a last minute one-week continuance or  
4 two-week continuance or three-week continuance, depending on  
5 how long the other trial goes at the last minute, given all of  
6 the witnesses that will be called in this case on both sides,  
7 will be very difficult to manage, but I will also just say  
8 there is absolutely no way my trial will last only four days.

9 The defense case probably won't even be that short.

10 THE COURT: You mean, the government's case?

11 MS. WAKEFIELD: No, I mean in my other trial, the  
12 defense case there are two defendants, we're both putting on  
13 cases, so it's going to be way longer than four days or  
14 one week. And the first trial that went, spilled into the  
15 third week, and it was just one defendant and the government  
16 has said it's calling the same exact witnesses, plus an  
17 additional insider trading expert that will take at least a  
18 day, if not more, to put on his testimony to be cross-examined  
19 by two defendant's counsel, and then for rebuttal.

20 So I just don't think it makes any sense to have an  
21 uncertain trial date, given the size and volume of this trial.

22 THE COURT: You have a certain trial date. The  
23 trial date at this point in time is the 26th of September, with  
24 the understanding, however, that if your case goes over the  
25 expected time, I will give you at least a week between the end



1 of your trial and the start of this trial.

2 MS. WAKEFIELD: And I just don't think that is  
3 plausible, given all of the management we have to do on our  
4 side, even our own witnesses.

5 So, I mean, if that's what the Court is inclined to do  
6 then --

7 THE COURT: Let's put it this way, the government is  
8 refusing to abide my continuance.

9 This case was originally set on the 26th at the request  
10 of both sides with the understanding of both sides that they  
11 would be available.

12 I'm not blaming the defense, because obviously, things  
13 happen, and especially if there is a situation where there is  
14 either a retrial or something of that sort, things like that  
15 will happen.

16 But conversely, however, what can I say? I understand  
17 everybody's concerns, but that is what I'm giving you.

18 MS. WAKEFIELD: May I have a moment?

19 THE COURT: Sure. If the parties -- if they agree  
20 on a new date, I have no problem with giving you guys a new  
21 date as long as you agree upon it and as long as I am available  
22 as well.

23 MS. WAKEFIELD: I believe that's what is happening  
24 right now.

25 THE COURT: Okay.

1 THE COURTROOM DEPUTY: The folks on the telephone,  
2 please mute your devices.

3 MS. WAKEFIELD: Your Honor, could we ask for two  
4 weeks between the end of my trial, the trial in front of Judge  
5 Hatter and this trial, and I will explain why.

6 Five minutes before the government filed the opposition  
7 it produced almost 15,000 pages of discovery.

8 THE COURT: In this case?

9 MS. WAKEFIELD: In this case.

10 We also have a dispute right now about whether items in  
11 the possession of the Coast Guard, who is the investigating  
12 agency in this case, are within the government's possession for  
13 the purposes of *Brady*. So there could be potential additional  
14 litigation related to that.

15 The government's position is that the items that the  
16 Coast Guard is too large of an agency for them to possibly  
17 produce any *Brady* or look for any *Brady* for us, and so we're  
18 trying to figure this out right now.

19 THE COURT: I presume you -- the defense can serve  
20 some form of discovery as long as you have the Court's  
21 permission on the Coast Guard, can't you?

22 MS. WAKEFIELD: We filed a motion to compel on  
23 Friday. The parties are trying to resolve it. There is a  
24 dispute about the Coast Guard, and the government, until now,  
25 has not looked for *Brady* in the government's possession because

1 it is in the Coast Guard's possession, because its position is  
2 that it does not have access to them.

3 So if that position changes, there will be other  
4 discovery that comes --

5 THE COURT: Has anyone inquired of the Coast Guard  
6 whether or not they are going to be objecting to production of  
7 those items?

8 MS. WAKEFIELD: I don't know if the government has  
9 asked.

10 MR. WILLIAMS: Your Honor, counsel raised this in  
11 the hall right before this hearing and we haven't had a chance  
12 to look into this issue.

13 THE COURT: This is the reason why the parties  
14 should get together and discuss a date between you guys.

15 You are relatively asking for a small universe of time  
16 at this point, because it seems to me that, you know, the  
17 parties -- I mean, you are basically talking about at most a  
18 two-week difference between what the parties want, and maybe  
19 even closer to that if these other matters can be resolved.

20 Why don't you talk amongst yourselves and see if you can  
21 agree on a date.

22 If you agree on a date, check with my clerk as well to  
23 make sure that those dates are available to you, and I'm  
24 available, I don't care what you guys -- you guys can put  
25 whatever date you want is fine with me as long as I'm

1 available.

2 I understand this case is somewhat old, et cetera, et  
3 cetera, so, it will have priority over a lot of my other  
4 criminal cases. Although, I do have a series, which I have  
5 been trying at this point in time of the Mexican Mafia cases,  
6 that is one after another after another, those I can't move  
7 because those are much older.

8 But aside from that, if I'm available, I will be happy  
9 to have this one done at a time that is mutually acceptable to  
10 both sides.

11 MR. O'BRIEN: Your Honor, could we have a few  
12 minutes to talk and come back and counter?

13 THE COURT: Sure. I will tell you what, how long is  
14 it going to be?

15 I have another matter which may take a little bit of  
16 time.

17 If you can do it in about five minutes?

18 MR. O'BRIEN: Five minutes would be fine, Your  
19 Honor.

20 THE COURT: We will take a five-minute break for you  
21 guys.

22 (Recess.)

23 THE COURTROOM DEPUTY: Please remain seated and come  
24 to order.

25 THE COURT: All right. Let me ask counsel, did you

1 reach an agreement?

2 MR. O'BRIEN: Your Honor, the government --

3 THE COURT: I'm sitting here watching you guys talk  
4 with each other.

5 MR. O'BRIEN: Your Honor, I'm not sure -- there is  
6 not an agreement, but for the record, the government would be  
7 okay with a two-week continuance pushing the trial to  
8 October 10th, irrespective of when the other trial ends.

9 MS. WAKEFIELD: We are okay with a date of October  
10 24th, so we're two weeks apart right now.

11 I will just point out we have asked the government to  
12 disclose its witness list, its exhibit list, to agree to  
13 discovery cutoff, they have not agreed to that.

14 Those things would make life a lot easier, but so I  
15 think October 24th is reasonable, given that the first trial in  
16 my other case lasted into the third week.

17 In that trial, it was only one defendant, and now there  
18 are two defendants, and so that would give me time to finish  
19 that trial, to prepare for this trial, which is extremely  
20 complex, and has a ton of discovery that we still haven't even  
21 finished reviewing because it is being produced on an ongoing  
22 basis.

23 So it's not like there is a complete universe for me to  
24 prepare right now, and I will be out of pocket preparing for  
25 the other trial and doing the other trial essentially for a

1 month.

2           So, I think two weeks beyond what the government is  
3 willing to agree to is not an unreasonable ask, Your Honor.

4           THE COURT: Let me ask Javier, what is my calendar  
5 for end of September and October?

6           MS. WAKEFIELD: Your Honor, I think we have reached  
7 an agreement.

8           THE COURT: What is the date?

9           MS. WAKEFIELD: October 24th, the defense will not  
10 ask for any more continuances unless there is an extreme  
11 emergency, like COVID or something like that, but we have no  
12 intention of seeking a continuance.

13           THE COURT: Except for dismemberment.

14           MS. WAKEFIELD: Well, let's hope that doesn't  
15 happen. October 24th.

16           THE COURT: If you were in a firm, you could  
17 sacrifice an associate.

18           MS. WAKEFIELD: Fortunately, I'm not in a firm.

19           THE COURT: I want to make sure that date is clear.  
20 I don't have any of the Mexican Mafia cases, do I?

21           THE COURTROOM DEPUTY: No. You have the smaller  
22 group. You split the groups and there is two defendants  
23 scheduled for that.

24           THE COURT: I will give you the 24th of October.

25           MS. WAKEFIELD: Thank you, Your Honor.

1 THE COURT: But what I want also is this, I want you  
2 guys to resolve this pending stuff as soon as possible, so in  
3 other words, I want the motion in regards to the materials with  
4 the Coast Guard, I want that set to be heard within the next  
5 three weeks, because I want to resolve this stuff.

6 MS. WAKEFIELD: Yes.

7 THE COURT: I understand the government has -- at  
8 some point in time you are going to fish and cut bait and  
9 decide what the cutoff date is going to be for this discovery.  
10 I'm not going to allow discovery to be produced really close to  
11 the trial date, simply for the fact we have these type of  
12 situations.

13 MR. O'BRIEN: Your Honor, it's understood. In my  
14 view, I realize counsel may disagree, what is going on is we  
15 normally go back and forth, they submit requests.

16 THE COURT: I'm not blaming anybody, I want the  
17 stuff to get done, so I don't have other requests for  
18 continuances or whatever.

19 Again, I don't want to have the headache, I want this  
20 stuff to be resolved as soon as possible so this stuff can go  
21 forward.

22 MR. O'BRIEN: Thank you, Your Honor.

23 THE COURT: Anything else I need to do?

24 I will put the pretrial the 12th of October.

25 MS. WAKEFIELD: We're trying in earnest to resolve

1 the motion to compel.

2 THE COURT: Is that the one with the Coast Guard?

3 MS. WAKEFIELD: Yes.

4 THE COURT: Why don't you call the Coast Guard and  
5 see if they have any problems with producing any of the stuff,  
6 it might be faster.

7 MR. O'BRIEN: Understood, Your Honor.

8 THE COURT: You could say that I told you guys to do  
9 that, in case they are wondering why you are doing that.

10 I also want a stip that since I'm moving the trial date  
11 to October 24th, I want a stip from him that if I can't bring  
12 him to trial on the 24th, for example, I'm in another case, I  
13 would have up until November the 21st to bring him to trial  
14 without violating his right to speedy trial.

15 MS. WAKEFIELD: Understood. Thank you, Your Honor.

16 MR. O'BRIEN: Thank you, Your Honor.

17 THE COURT: Thank you.

18 (The proceedings concluded at 9:29 a.m.)

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**CERTIFICATE OF OFFICIAL REPORTER**

COUNTY OF LOS ANGELES     )  
   )  
STATE OF CALIFORNIA         )

I, TERRI A. HOURIGAN, Federal Official Realtime  
Court Reporter, in and for the United States District Court for  
the Central District of California, do hereby certify that  
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Date: 1st day of August, 2023.

/s/ TERRI A. HOURIGAN

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Federal Court Reporter